

MANDATE

E.D.N.Y.-Bklyn
15-cv-1481
Vitaliano, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 12th day of January, two thousand seventeen.

Present:

Reena Raggi,
Denny Chin,
Raymond J. Lohier, Jr.,
Circuit Judges.

Brian Burke,

Plaintiff-Appellant,

v.

16-3606

New York City Transit Authority, et al.,

Defendants-Appellees,

John/Jane Doe, et al.,

Defendant.

Appellant, *pro se*, moves for *in forma pauperis* status. It is hereby ORDERED that the motion is DENIED as unnecessary because Appellant has paid the filing fee. However, this Court has determined *sua sponte* that it lacks jurisdiction over this appeal because a final order has not been issued by the district court as contemplated by 28 U.S.C. § 1291. *See Coopers & Lybrand v. Livesay*, 437 U.S. 463, 467 (1978); *Slayton v. Am. Express Co.*, 460 F.3d 215, 224 (2d Cir. 2006) (stating that order granting leave to amend is non-final unless appellant disclaims intent to amend). Accordingly, it is further ORDERED that the appeal is DISMISSED.

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit




FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court




MANDATE ISSUED ON 02/02/2017